

**TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE**



FISCAL NOTE

SJR 142

March 24, 2011

SUMMARY OF BILL: Proposes amending Article VI of the Tennessee Constitution relative to restraining the judicial activism of state judges. Resolves that this amendment be referred to the 108th General Assembly and that the resolution be published in accordance with Article XI, Section 3, of the Tennessee Constitution by posting the resolution on the official website of the Secretary of State.

ESTIMATED FISCAL IMPACT:

NOT SIGNIFICANT

Assumptions:

- In *American Civil Liberties Union et al. v. Darnell et al.*, 195 S.W.3d 612, 626 n.12 (Tenn. 2006), the Tennessee Supreme Court noted without deciding the issue that: "The General Assembly has the authority to adopt a rule or enact a statute that defines the term 'published' used in Article XI, Section 3 or that specifies the means and manner of publication. When interpreting constitutional provisions, courts carefully consider any interpretation the General Assembly has given the provision." This note assumes that authorization by the General Assembly of electronic publication complies with the constitutional publication requirement.
- Posting this resolution on the official website of the Secretary of State will not result in a significant increase in state expenditures.
- Because Article XI, Section 3 of the Tennessee Constitution requires publication of the resolution before the next legislative election, this publication would occur in the spring of 2012.

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.

A handwritten signature in blue ink that reads "James W. White".

James W. White, Executive Director

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